

CLD-083

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **24-2714**

UNITED STATES OF AMERICA; ET AL.

VS.

APPLE INC.

Taiming Zhang, Appellant*
(*Pursuant to Fed. R. App. P. 12(a))

(D.N.J. Civ. No. 2:24-cv-04055)

Present: KRAUSE, PHIPPS, and SCIRICA, Circuit Judges

Submitted:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response thereto; and
- (3) By the Clerk for possible dismissal pursuant to 28 U.S.C.
§ 1915(e)(2) or summary action pursuant to Third Circuit L.A.R.
27.4 and I.O.P. 10.6.

in the above-captioned case.

Respectfully,

Clerk

(continued)

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ORDER

On September 9, 2024, a United States Magistrate Judge denied Appellant's motion to intervene in an antitrust lawsuit brought by the United States and numerous state attorneys general against Apple Inc. Later that day, Appellant filed this appeal, challenging that decision. But since the Magistrate Judge was not presiding as the District Court pursuant to 28 U.S.C. § 636(c)(1), we must dismiss this appeal for lack of jurisdiction. See Siers v. Morrash, 700 F.2d 113, 116 (3d Cir. 1983). In view of this disposition, we do not decide whether it would be appropriate to dismiss this appeal under 28 U.S.C. § 1915(e)(2) or resolve it via summary action.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: February 28, 2025
PDB/cc: Taiming Zhang
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate